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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 321 STUDIOS,
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Plaintiff,
14
v.
15 METRO-GOLDWYN-MAYER STUDIOS
16 INC., et al.,
Defendants,
17

18 METRO-GOLDWYN-MAYER STUDIOS
19 INC., et al.,
20 Counterclaimants,
v.
21 321 STUDIOS, ROBERT MOORE, ROBERT
22 SEMAAN, and VICTOR MATTISON,
23 Counterclaim Defendants.
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Case No. C 02-1955 SI
[E-filing]

**DECLARATION OF LLOYD A.
FARNHAM IN SUPPORT OF 321
STUDIOS' OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Date: April 25, 2003
Time: 9:00 a.m.
Dept: Courtroom 10, 19th Floor
Judge: The Honorable Susan Illston

1 I, Lloyd A. Farnham, declare and state as follows:

2 1. I am an associate of Keker & Van Nest, L.L.P. Keker & Van Nest represents Plaintiff
3 and Counterclaim Defendants 321 Studios, Robert Moore, Robert Semaan, and Victor Mattison
4 in the above-captioned action.

5 2. I am an attorney admitted to practice in the State of California and before the
6 United States District Court in the Northern District of California. I submit this declaration in
7 support of 321 Studios' Opposition to Defendants' Motion For Summary Judgment. The
8 information below is stated on personal knowledge of the facts set forth herein, unless otherwise
9 noted, and if called as a witness, I could and would testify competently thereto.

10 3. Attached hereto as Exhibit A is a true and correct copy of signed declarations
11 received from customers that have used, or would like to use, 321 Studio's products. The
12 declarations are in alphabetical order by the last name of the customer.

13 4. Attached hereto as Exhibit B is a true and correct copy of a printout of pages from
14 the Internet website for the Motion Picture Association of America ("MPAA"), located at
15 <http://www.mpaa.org>. The attached pages relate to the MPAA's efforts to stem piracy, and
16 document the MPAA's success in preventing piracy.

17 5. Attached hereto as Exhibit C is a true and correct copy of an article published in
18 the Washington Post on October 7, 2002 titled "Hollywood Sees the Big Picture with DVDs."

19 6. On information and belief, MPAA spokesperson Marta Grukta has made public
20 statements to the effect that any use of 321 Studio's products on a CSS-encoded DVD is illegal
21 under the DMCA, regardless of how the products are used.

22 Executed this 21st day of February 2003, at San Francisco, California. I declare under
23 penalty of perjury under the laws of the State of California that the foregoing is true and correct.
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26 _____
LLOYD A. FARNHAM